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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/674,672
Filing Date: September 30, 2003
Appellant(s): KELLERMAN ET AL.

Ognyan Beremski
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/20/2011 appealing from the Office action mailed 12/20/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-29.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2002/0104099	Novak	8-2002
6,774,926	Ellis	8-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Novak (US 2002/0104099) in view of **Ellis et al. (US 6,774,926)**, herein Ellis.

Consider **claim 1**, Novak clearly teaches a system for supporting multiple users of a communication device (**Fig. 1**), comprising:

a first communication device communicatively coupled to a communication network at a first geographic location; (**Fig. 3: STB 308 is coupled to the Internet 302, [0045].**)

Art Unit: 2421

media content disposed in the communication network or the first communication device (**Media content can be stored in the STB, Fig. 1 [0032], or on the network, Fig. 3 [0047].**), the media content comprising personal media; (**The content is user created, [0062].**)

a software platform residing on the first communication device (**[0077]**), the software platform receiving authentication information associated with a first user of the first communication device, (**Fig. 11: Access to the synthetic channel can be password protected, [0084].**) and facilitating a display of a user-defined selection from the media content by the first communication device (**Fig. 11: Block 114, [0085]**) in a user-defined layout (**Fig. 7: The user defines the layout of the display, [0063].**), wherein the software platform is operable to push the media content

wherein the selection from the media content is defined by the first user (**[0062]**) and corresponds to the received authentication information. (**Only authorized users can view the content, [0084]**)

However, Novak does not explicitly teach the software platform is operable to push content arranged in user-defined layout, directly via the communication network to at least a second communication device associated with a second user at a second geographic location for consumption at the second geographic location.

In an analogous art, Ellis, which discloses a system for video distribution, clearly teaches the software platform is operable to push content arranged in the user-defined layout, directly via the communication network to at least a second communication device associated with a second user at a second geographic location for consumption at the second geographic location. (**Fig. 7: Contributor equipment 102 selects when to push personal television channels to viewer equipment 104. The video content can be sent directly with out initially transmitting the content to server equipment. col. 5 lines 18-22, col. 7 lines 27-47, col. 13 line 66 to col. 14 line 22**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Novak by pushing content arranged in the user-defined layout, directly via the communication network to at least a second communication device associated with a second user at a second geographic location for consumption at the second geographic location, as taught by Ellis, for the benefit of distributing a personal television channel without need of network storage devices.

Consider **claim 2**, Novak clearly teaches the communication network comprises one or more of a third party media server, a media storage server, a broadband

Art Unit: 2421

access headend, a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, a closed communication infrastructure, a local area network, and a wireless infrastructure. **([0045])**

Consider **claim 3**, Novak clearly teaches the communication network comprises the Internet. **(Fig. 3: Internet 302, [0045])**

Consider **claim 4**, Novak clearly teaches each of the first and second communication devices comprises one or more of a computer, a storage device, a media peripheral, set-top box circuitry, a television, a display, and/or a remote control. **(Fig. 3 STB 308)**

Consider **claim 5**, Novak clearly teaches the media content comprises one or more of third party media content, user-created media content, digital video, digital images, digital audio, documents, files, broadcast television programs, radio channels, news programming, sporting events programming, special programming, and/or on-demand movies. **([0039])**

Consider **claim 6**, Novak clearly teaches the software platform performs on the media content one or more of accessing, sending, constructing the user-defined layout of the media content, displaying, text overlaying, voice overlaying, channel naming, managing authorship rights, managing media rights, managing billing services, and/or integrating the user-defined selection into the user-defined layout. **([0077]-[0086])**

Consider **claim 7**, Novak clearly teaches the user-defined layout comprises a channel view layout. **(Fig. 8)**

Consider **claim 8**, Novak clearly teaches the software platform can process a plurality of user-defined selections from the media content. **(The user selects media to view, [0085].)**

Consider **claim 9**, Novak clearly teaches each user-defined selection corresponds to a user-specific authentication information. **(Only authorized users may access the media content, [0084].)**

Consider **claim 10**, Novak clearly teaches the authentication information comprises one or more of a pin code, a voice key code, and/or a password. **([0084])**

Consider **claim 11**, Novak clearly teaches the consumption at the second geographic location comprises displaying the media content to the second user at the second geographic location. **([0070])**

Consider **claim 12**, see claim 1.

Consider **claim 13**, Novak clearly teaches the at least one processor sends the user-defined selection to the first communication device for display in the user-defined layout. **(Content is uploaded to a server in a user-defined layout, [0078].)**

Consider **claim 14**, Novak clearly teaches the at least one processor determines whether to send the user-defined selection to the second communication device communicatively coupled to the communication network. **(Subscribed end users receive the EPG 153, [0080].)**

Consider **claim 15**, see claim 4.

Consider **claim 16**, Novak clearly teaches a system for supporting multiple users of a communication device, comprising:

- a first display communicatively coupled to a first communication device, the first communication device associated with a first user;
- a second display communicatively coupled to a second communication device, the second communication device associated with a second user;

(Fig. 1: STB 152 is connected to TV 154, [0032]. Fig. 3: There are multiple STBs 308.)

- a communication network communicatively coupled to the first communication device and the second communication device; **(Fig. 3: All STBs 308 are communicatively coupled to the Internet 302, [0045].)**

- media content disposed in one or more of the communication network, the first communication device and/or the second communication device; **(Media content can be stored in the STB, Fig. 1 [0032], or on the network, Fig. 3 [0047].)**

- a software platform residing on the first communication device **([0077])**, the software platform is operable to receive information relating to a user-defined selection from the media content **(Fig. 11: Block 114, [0085])** and wherein the selection from the media content is defined by the first user **([0062])** and corresponds to authentication information received from the first user. **(Only authorized users can view the content, [0084])**

However, Novak does not explicitly teach the software platform is operable to push content arranged in user-defined layout, directly via the communication network to at least a second communication device associated with a second

Art Unit: 2421

user at a second geographic location for consumption at the second geographic location.

In an analogous art, Ellis, which discloses a system for video distribution, clearly teaches the software platform is operable to push content arranged in the user-defined layout, directly via the communication network to at least a second communication device associated with a second user at a second geographic location for consumption at the second geographic location. **(Fig. 7: Contributor equipment 102 selects when to push personal television channels to viewer equipment 104. The video content can be sent directly with out initially transmitting the content to server equipment. col. 5 lines 18-22, col. 7 lines 27-47, col. 13 line 66 to col. 14 line 22)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Novak by pushing content arranged in the user-defined layout, directly via the communication network to at least a second communication device associated with a second user at a second geographic location for consumption at the second geographic location, as taught by Ellis, for the benefit of distributing a personal television channel without need of network storage devices.

Consider **claim 17**, see claim 2.

Consider **claim 18**, see claim 7.

Consider **claim 19**, see claim 4.

Consider **claim 20**, see claim 5.

Consider **claim 21**, see claim 6.

Consider **claim 22**, see claim 11.

Consider **claim 23**, see claim 13.

Consider **claim 24**, see claim 7.

Consider **claim 25**, see claim 8.

Consider **claim 26**, see claim 9.

Consider **claim 27**, Novak clearly teaches the limitations in common with claims 1, 12 and 16. Further it is inherent in Novak that a second password maybe entered to access a second media content.

Consider **claim 28**, Novak clearly teaches the first user-defined layout and the second user-defined layout comprise a channel view layout. **(Fig. 8)**

Consider **claim 29**, see claim 13.

(10) Response to Argument

In response to appellant's argument that the combination of Novak and Ellis does not disclose that a "software platform is operable to push the media content arranged in the user-defined layout, directly via the communication network to at least a second communication device," the examiner respectfully disagrees. Novak teaches a system where a user may share user created media content with other users by transmitting the user content in a user defined layout through a network to a second user. Upload source 122 of figure 1 creates personalized media content and transfers the content to set top box 152 through a network ([0039], [0042]). Ellis teaches that media content can be shared among user devices by pushing the media content directly from the contributing equipment to the viewer equipment through a network. Figure 7 shows an example network architecture where a video may be sent from user equipment 102 to user equipment 104 via network 106. The content is distributed according to a schedule established by the contributor (col. 7 lines 44-48) and sent directly from the contributor to the viewer (col. 14 lines 15-18). Therefore, the contributor must "push" the content through the network to the viewer so that it may be displayed at the scheduled time. The combination of the scheduled directly distributed media content of Ellis with the personalized media system of Novak results in the website or other network storage and transmission system being eliminated in favor of the simpler content push from one user to another at the scheduled moment as taught by Ellis.

In response to appellant's argument that Novak does not disclose "a software platform residing on the first communication device, the software platform receiving authentication information associated with a first user of the first communication device,

Art Unit: 2421

and facilitating a display of a user-defined selection from the media content by the first communication device in a user-defined layout,” the examiner respectfully disagrees. Novak clearly teaches a first user creating a synthetic channel of personal content arranged according to the first user ([0063]) and the synthetic channel may be only authorized for certain end users ([0084]). Therefore, if the first user wished to view the synthetic channel on the first user’s set top box he would have to enter his associated authentication information to gain access to the protected channel.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/JOHN SCHNURR/

Examiner, Art Unit 2421

Conferees:

/KRISTINE KINCAID/

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